

- IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims provide no basis for relief in the instant cause of action.

5. The plaintiff's deliberate indifference to safety claim is DISMISSED without prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) as this claim is malicious since it repeats a claim currently pending before this court in *Jones v. Nolin*, Civil Action No. 2:17-CV-342-WKW-SRW (M.D. Ala.).

6. This case is dismissed prior to service of process pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

A separate Final Judgment will be entered.

DONE this 20th day of May, 2020.

/s/ W. Harold Albritton

SENIOR UNITED STATES DISTRICT JUDGE